

TRAVERSE

Applicants respectfully traverse the Examiner's restriction requirement.

Although the Examiner's Office action asserts the existence of two independent and distinct inventions, Applicants respectfully request that each of the two inventions, nevertheless, be examined in the instant application, pursuant to the guidelines set forth in M.P.E.P. §803. That is, the Examiner is respectfully requested to reconsider his requirement and find that there would not appear to be a "serious burden" on the Office in examining claims directed to the non-elected inventions, viz., claims 1-33 of Invention I, which would remain withdrawn from consideration if the restriction requirement is maintained.

Chapter 800 of the M.P.E.P. sets forth the policy by which Examiners are guided in requiring restriction under 35 U.S.C. §121. Section 803 states that "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions."

It would appear that the search for the inventions identified by the Examiner would be coextensive or at least significantly overlap. That is, if the Examiner were to perform a search for the invention of Invention I (e.g., claims 34-47), there would not appear to be a serious burden in continuing the examination of Invention I (e.g., claims 1-33).

Therefore, Applicants respectfully request that the restriction requirement be reconsidered and withdrawn, in view of a lack of a serious burden, as recognized in

P25641.A05

M.P.E.P. 803 as being a prerequisite to a proper restriction requirement.

For all of the foregoing reasons, Applicants respectfully request the restriction requirement be reconsidered and withdrawn.

REMARKS

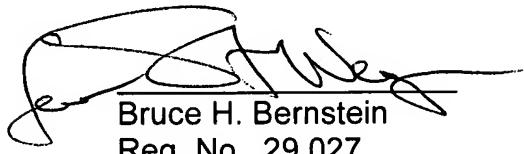
Applicants further submit new claims 48-50 for the Examiner's consideration that are submitted to fall within elected Invention II, and which are submitted to better define the instant invention. In this regard, Applicants note that elected claim 45 which is herewith canceled, defines a digital broadcast system directed to a high level application control, as does newly submitted claims 48 and 50. Similarly, Applicants note that elected claim 46, which is herewith canceled, defines a digital broadcast transmitter directed to a high level application control, as does newly submitted claim 49. Thus, Applicants submit that the claimed subject matter of newly submitted claims 48-50 correspond to the subject matter of canceled claims 34-47 and are readable on elected Invention I.

In order to reduce the number of claims that are for examination before the Examiner, Applicants herewith cancel claims 34-47. However, Applicants expressly reserve the right to submit similar type claims in another application.

The Examiner is respectfully requested to enter claims 48-50, and to pass the application to issue.

Any comments or questions concerning this application should be directed to the undersigned at the telephone number given below.

Respectfully submitted,
Taketo YOSHII et al.



Bruce H. Bernstein
Reg. No. 29,027

Steven Wegman
Reg. No. 31,438

October 3, 2005
GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191